

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS & ST. JOHN**

R.C. SPENCELEY, INC. and SPENCELEY	)	CIVIL NO. 115/2010
REALTY CO.,	)	
	)	
Petitioners,	)	
	)	
vs.	)	
	)	
TOPA INSURANCE COMPANY and	)	
ARLEN WHEELER,	)	
	)	
Respondents.	)	
	)	

**PETITIONERS' RESPONSE TO RESPONDENT TOPA INSURANCE  
COMPANY'S REQUESTS FOR STATUS CONFERENCE**

COME NOW Petitioners R.C. Spenceley, Inc. and Spenceley Realty Co., ("Petitioners"), by and through undersigned counsel, who hereby respond to Respondent TOPA Insurance Company's ("TOPA") Request for Status Conference and Second Request for Status Conference as follows:

Petitioners consent to TOPA's request with one caveat. Today or tomorrow Petitioners will file their opposition to Respondent Arlen Wheeler's ("Wheeler") Motion to Dismiss (ECF Document #11). Accordingly, pursuant to Local Rule of Civil Procedure 7.1(e)(2), Wheeler has fourteen (14) days in which to file a reply, if any, to Petitioners' opposition. Upon the filing of Wheeler's reply or upon the expiration of the fourteen (14) day deadline, whichever occurs first, Petitioners join in TOPA's request for a status conference regarding the following pending motions:

- 1) Petitioners' Motion to Remand (ECF Document #2 in Civil #115/2010);
- 2) Petitioners' Motion to Dismiss (ECF Document #17 in Civil #113/2010)<sup>1</sup>;

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<sup>1</sup> Though this motion is not in the instant case it is directly related to the issue of futility with respect to TOPA's motions to consolidate both cases.

R.C. Spenceley, Inc., et al. v. TOPA Insurance Company  
St. Thomas/St. John District Court Civ. No. 2010/0115  
Petitioners' Response to Respondent TOPA Insurance Company's Requests for Status Conference

- 3) TOPA's Motions to Consolidate (ECF Document #12 in Civil #113/2010 and ECF Document #3 in Civil #115/2010); and
- 4) Wheeler's Motion to Dismiss (ECF Document #11 in Civil #115/2010).

WHEREFORE, Petitioners respectfully join in TOPA's requests for a status conference regarding the motions listed herein upon the filing of Wheeler's reply, if any, to Petitioners' opposition to Wheeler's Motion to Dismiss or upon the expiration of the deadline for reply, whichever occurs first, and for such further relief as the Court deems just in the premises

RESPECTFULLY SUBMITTED,

Dated: April 21, 2011

/s/ Mark D. Hodge  
HODGE & FRANCOIS  
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R.C. Spenceley, Inc., et al. v. TOPA Insurance Company  
St. Thomas/St. John District Court Civ. No. 2010/0115  
Petitioners' Response to Respondent TOPA Insurance Company's Requests for Status Conference

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 21<sup>st</sup> day of April, 2011, a true and correct copy of the foregoing PETITIONERS' RESPONSE TO RESPONDENT TOPA INSURANCE COMPANY'S REQUESTS FOR STATUS CONFERENCE was served via notice of electronic filing to:

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*Counsel for Respondent TOPA and Respondent Wheeler*

/s/ Mark D. Hodge